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| APPLICATION NO.              | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------------|-------------|----------------------|---------------------|------------------|
| 10/753,132                   | 01/07/2004  | Michael Porter       | 49433/RJW/P689      | 4436             |
| 23363                        | 7590        | 12/02/2005           | EXAMINER            |                  |
| CHRISTIE, PARKER & HALE, LLP |             |                      | BROWN, VERNAL U     |                  |
| PO BOX 7068                  |             |                      | ART UNIT            |                  |
| PASADENA, CA 91109-7068      |             |                      | PAPER NUMBER        |                  |
|                              |             |                      | 2635                |                  |
| DATE MAILED: 12/02/2005      |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/753,132 | <b>Applicant(s)</b><br>PORTER, MICHAEL |  |
|                              | <b>Examiner</b><br>Vernal U. Brown   | <b>Art Unit</b><br>2635                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The application of Michael Porter for Programmable restricted Access Food Storage Container And Behavior Modification Assistant filed 1/07/04 has been examined. Claims 1-19 are pending.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 9-11 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cardinale et al. US Patent 6825753 in view of Ayala et al. US patent Application 20020024418.

Regarding claim 1, Cardinale et al. teaches a storage container for rigid control of access by users comprising: a housing; a cover (12) hingedly attached to the housing (figure 1); a lock incorporated into the cover for locking the cover to the housing (col. 8 lines 40-42). Cardinale et al. teaches programming means for controlling the lock for defining periods of accessibility and inaccessibility (col. 12 lines 24-30) and a power supply 50 for providing electric power to the programming means (col. 10 lines 27-30). Cardinale et al. is however silent on teaching the lock being programmed to automatically reset to the locked mode when the cover is opened and to immediately lock the cover to the housing upon closure. One skilled in the art recognizes that it is a conventional practice for a lock to move into the locked state when the door is closed as

Art Unit: 2635

evidenced by Ayala et al. (paragraph 004) in order to prevent unauthorized entry into the container and further increasing the security of the container.

It would have been obvious to one of ordinary skill in the art for the lock to be programmed to automatically reset to the locked mode upon closure of the cover in Cardinale et al. as evidenced by Ayala et al. because such feature would prevent unauthorized entry into the container and further increase the security of the container.

Regarding claims 2-3, Cardinale et al teaches the lock comprises an electro-mechanical mechanism evidenced by the electrically operated deadbolt (col. 10 lines 18-24).

Regarding claim 9, Cardinale et al teaches receptacle 15 adapted to receive the bolts 17.

Regarding claim 10, Cardinale et al teaches a microprocessor 41 operatively connected to the cover by the keypad (figure 3).

Regarding claim 11, Cardinale et al teaches control keys 62, display 31 and an electronic memory (col. 9 lines 1-18) associated to the microprocessor 41.

Regarding claim 17, Cardinale et al teaches the programmable processor assembly which include the different components in figure 4 includes a power supply 50.

Regarding claims 18-19, Cardinale et al teaches a programmable, automatically closing, and automatically locking storage container for rigid control of access to its contents by users, comprising: a housing (figure 1); a cover (12), said cover being attached to said housing by hinged moldings (col. 8 lines 1-3) as shown in figure 1; a computer (processor) controlled lock incorporated into the cover for locking the cover to the housing to prevent unauthorized access to the contents of the container (col. 9 lines 33-36). Cardinale et al teaches programmable computer being programmed to accept and store multiple variables and parameters for defining periods of

Art Unit: 2635

accessibility and inaccessability of variable duration (col. 12 lines 24-30). Cardinale et al teaches the battery is internal to the container as shown in figure 3 and further implying that the battery is accessible only when the cover is opened because the cover control access to the internal of the container. Cardinale et al. is however silent on teaching the lock being programmed to automatically reset to the locked mode when the cover is opened and to immediately lock the cover to the housing upon closure. One skilled in the art recognizes that it is a conventional practice for a lock to move into the locked state when the door is closed as evidenced by Ayala et al. (paragraph 004) in order to prevent unauthorized entry into the container and further increasing the security of the container.

It would have been obvious to one of ordinary skill in the art for the lock to be programmed to automatically reset to the locked mode when the cover is opened and to immediately lock the cover to the housing upon closure in Cardinale et al. as evidenced by Ayala et al. because Cardinale et al teaches the use of a lock to secure the contents of a container and Ayala et al. teaches a lock that is automatically locked when the door is closed in order to prevent unauthorized entry into the container.

Claims 4 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cardinale et al. US Patent 6825753 in view of Ayala et al. US patent Application 20020024418 and further in view of Frank US UK Patent Application 2126275.

Regarding claims 4 and 14-16, Cardinale et al. teaches the use of a deadbolt as the locking mechanism in the container but is silent on teaching the use of two reciprocating bolts

Art Unit: 2635

which move in opposite directions to lock the cover to the housing. Frank in an art related latch mechanism teaches the use of use of two reciprocating spring loaded bolts which move in opposite directions to lock the cover to the housing (abstract) in order to provide a secure locking mechanism to secured the container.

It would have been obvious to one of ordinary skill in the art to have two reciprocating bolts which move in opposite directions to lock the cover to the housing in Cardinale et al in view of Ayala et al. as evidenced by Frank because Cardinale et al. suggests the use of a deadbolt as the locking mechanism in the container and Frank teaches the use of use of two reciprocating bolts which move in opposite directions to lock the cover to the housing in order to provide a secure locking mechanism to secured the container.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cardinale et al. US Patent 6825753 in view of Ayala et al. US patent Application 20020024418in and further in view of Huff US Patent Application 20050135068.

Regarding claim 5, Cardinale et al. teaches the cover is attached to the housing by hinges (col. 8 lines 1-3) but is not explicit in teaching the cover is detachable. One skilled in the art recognizes that hinges are mounted in a fixed or detachable manner (paragraph 0032) in order to facilitate the mounting of the electronic controls during the assembling of the container.

It would have been obvious to one of ordinary skill in the art to have a detachable cover in Cardinale et al. in view of Ayala et al. as evidenced by Huff because Cardinale et al. suggests the cover is attached to the housing by hinges and one skilled in the art recognizes that hinges are

mounted in a fixed or detachable manner in order to facilitate the mounting of the electronic controls during the assembling of the container.

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cardinale et al. US Patent 6825753 in view of Ayala et al. US patent Application 20020024418 in view of Huff US Patent Application 20050135068 and further in view of Cohn et al. US Patent 4846537

Regarding claims 6-7, Cardinale et al. teaches a cover 12 attached to the frame of the container (figure 1) but is not explicit in teaching the cover includes shaped protrusions and the housing includes detents for receiving and gripping the protrusions on the cover. Cohn et al. in an art related container invention teaches the cover of a container having protrusions and the housing includes detents for receiving and gripping the protrusions on the cover (col. 12 lines 35-42) for providing an interlocking mechanism between the cover and the housing of the container.

It would have been obvious to one of ordinary skill in the art for the cover include shaped protrusions and the housing includes detents for receiving and gripping the protrusions on the cover in Cardinale et al. in view of Ayala et al. in view of Huff as evidenced by Cohn et al. because Cardinale et al. suggests a cover attached to the frame of the container and the shaped protrusion on the cover and the detents on the housing provides an interlocking mechanism between the cover and the housing of the container

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cardinale et al. US Patent 6825753 in view of Ayala et al. US patent Application 20020024418 and further in view of Cohn et al. US Patent 4846537.

Regarding claim 8, Cardinale et al. teaches a cover 12 attached to the frame of the container (figure 1) but is not explicit in teaching the cover includes shaped protrusions and the housing includes detents for receiving and gripping the protrusions on the cover. Cohn et al. in an art related container invention teaches the cover of a container having protrusions and the housing includes detents for receiving and gripping the protrusions on the cover and the protrusions and the detents are engage by a snap fit (col. 12 lines 35-42) for providing an interlocking mechanism between the cover and the housing of the container.

It would have been obvious to one of ordinary skill in the art for the cover include shaped protrusions and the housing includes detents for receiving and gripping the protrusions on the cover in Cardinale et al. in view of Ayala et al. as evidenced by Cohn et al. because Cardinale et al. suggests a cover attached to the frame of the container and the shaped protrusion on the cover and the detents on the housing provides an interlocking mechanism between the cover and the housing of the container

Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cardinale et al. US Patent 6825753 in view of Ayala et al. US patent Application 20020024418 and further in view of Hanifl et al. US Patent 4863057.

Regarding claims 12-13, Cardinale et al. teaches a cover 12 attached to the frame of the container (figure 1) but is silent on teaching the housing and the cover includes a mutually engaging stop to prevent travel of cover more than 70 degrees from the closed position. Hanifl et al. in an art related container system invention teaches the use of a door stop to control the opening of a container in order to prevent the removal of certain items from the container (col. 1



Art Unit: 2635

lines 49-59) and one skilled in the art recognizes that a opened door returns to its closed position under the force of gravity when there is not a restraining force to keep the door open.

It would have been obvious to one of ordinary skill in the art to have mutually engaging stop to prevent travel of cover more than 70 degrees from the closed position in Cardinale et al. in view of Ayala et al. as evidenced by Hanifl et al. because controlling the opening of the door from the closed positioned protects the removal of certain objects from the container.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U. Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/753,132

Page 9

Art Unit: 2635



Vernal Brown  
November 22, 2005

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